

AGENDA
FINANCE AND AUDIT COMMITTEE MEETING
Monday, April 4, 2022 at 8:30 A.M.
UWCD Headquarters, First Floor, Board Room
1701 N. Lombard Street, Oxnard, CA 93030

Meeting attendees should be aware that the meetings of the Committee are, as required by law, open to the public and the District has very limited powers to regulate who attends Committee meetings. Therefore, attendees must exercise their own judgement with respect to protecting themselves from exposure to COVID-19, as the District cannot ensure that all attendees at public meetings will be free from COVID-19.

CALL TO ORDER – OPEN SESSION 8:30 A.M.

Committee Members Roll Call

1. Public Comment

The public may address the Finance and Audit Committee on any matter not on the agenda within the jurisdiction of the Committee. All comments are subject to a five-minute time limit.

**2. Approval of Agenda
Motion**

3. EXECUTIVE (CLOSED) SESSION 8:35 A.M.

3a. Conference with Legal Counsel – Anticipated Litigation

Pursuant to Government Code Section 54956.9(d)(2), one (1) case.

3b. Conference with Labor Negotiators (Government Code § 54957.6)

Agency designated representatives: Josh Perez and David D. Boyer (legal counsel).
Employee Organization: SEIU Local 721.

SECOND OPEN SESSION 9:25 A.M.

4. Oral Report Regarding Executive (Closed) Session

Presented by legal counsel David D. Boyer.

**5. Approval of Minutes
Motion**

The Committee will review the Minutes from the February 28, 2022, Finance and Audit Committee meeting and approve as submitted or direct staff to revise as necessary to accurately reflect the discussion and action(s) taken during the meeting.



6. April 13, 2022 Board Meeting Agenda Item(s)

The Committee will review and discuss the following agenda item(s) to be considered for approval at the April 13, 2022 Board meeting. The Committee will formulate a recommendation to the entire Board based on the discussions with staff. The Committee will discuss the following item(s):

6.a Agenda Item 5.1: Resolution No. 2022-09 A Resolution of the Board of Directors of United Water Conservation District Ordering the Operator(s) of Well No. 04N19W31N03S (“Well N03S”), Well No. 03N20W10D02S (“Well D02S”), and Well No. 02N21W17M03S (“Well M03S” and collectively, the “Wells”) to Cease Extraction of Groundwater per Water Code Section 75637, Subdivision (b).

Board Motion

Following the Public Hearing, the Board will consider approving Resolution No. 2022-09 ordering the operator(s) of Well No. 04N19W31N03S (“Well N03S”), Well No. 03N20W10D02S (“Well D02S”), and Well No. 02N21W17M03S (“Well M03S” and collectively, the “Wells”) to cease extraction of groundwater due to delinquent groundwater extraction charges.

7. Public Outreach Awareness Campaign

Information Item

The Committee will receive a verbal report from staff regarding the intended use of J. Wallin Opinion Research to gain an accurate understanding of what the public awareness is of the District and how the public considers water issues as a priority in their life.

8. Presentation of the Districts’ Proposed Budget for Fiscal Year 2022-2023

Information Item

Staff will present an overview of the Districts’ Proposed Budget for Fiscal Year 2022-2023 to the members of the Finance and Audit Committee.

9. Monthly Investment Report (February 2022)

Information Item

The Committee will receive, review and discuss the Districts’ investment portfolio and cash position as of February 28, 2022.

10. Monthly Pipeline Delivery Report (February 2022)

Information Item

The Committee will receive, review and discuss the Districts’ pipelines’ water activities as of February 28, 2022.

11. Board Requested Cost Tracking Items

Information Item

The Committee will receive and review the costs to date that the District has incurred:

- a) as part of the licensing efforts and the probable maximum flood studies for the Santa Felicia Dam;
- b) in relation to environmental mandates;
- c) in relation to litigation with the City of Ventura, Wishtoyo Foundation, and District legal costs over the past several fiscal years; and
- d) in relation to professional fees over the past several fiscal years.



12. Monthly Administrative Services Update

Information Item

The Committee will receive and review the monthly report from the Administrative Services team as well as receive a verbal presentation of its highlights.

13. Future Agenda Items

The Committee will suggest topics or issues for discussion on future agendas.

ADJOURNMENT

Directors:

Chair Lynn E. Maulhardt

Sheldon G. Berger

Mohammed A. Hasan

Staff:

Mauricio E. Guardado, Jr.

Josh Perez

Zachary Plummer

Anthony Emmert

Brian Zahn

Daryl Smith

Ambry Tibay

Jackie Lozano

The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, the District's services, programs or activities because of any disability. If you need special assistance to participate in this meeting, or if you require agenda material in an alternative format, please contact the District Office at (805) 525-4431. Notification of at least 48 hours prior to the meeting will enable the District to make appropriate arrangements.

Approved: _____

Mauricio E. Guardado, Jr., General Manager

Approved: _____

Anthony E. Emmert, Assistant General Manager

Posted: (date) March 31, 2022

(time) 6:15 P.M.

(attest) Jackie Lozano

At: www.unitedwater.org

Posted: (date) March 31, 2022

(time) 6:30 P.M.

(attest) Jackie Lozano

At: United Water Conservation District Headquarters, 1701 N. Lombard Street, Oxnard, CA 93030

MINUTES
FINANCE AND AUDIT COMMITTEE MEETING
Monday, February 28, 2022 – 9:00 A.M.
UWCD Headquarters, Board Room
1701 N. Lombard Street, Oxnard, CA 93030

COMMITTEE MEMBERS PRESENT:

Chair Lynn E. Maulhardt
Director Mohammed A. Hasan

COMMITTEE MEMBERS ABSENT:

Director Sheldon G. Berger

STAFF PRESENT:

Mauricio E. Guardado, Jr., General Manager
Anthony Emmert, Assistant General Manager
Josh Perez, Chief Human Resources Officer
Brian Zahn, Chief Financial Officer
Craig Morgan, Engineering Manager
Zachary Plummer, Technology Systems Manager
Daryl Smith, Controller
Ambry Tibay, Senior Accountant
Jackie Lozano, Administrative Assistant

PUBLIC PRESENT:

None

OPEN SESSION 8:59 A.M.

Chair Lynn Maulhardt called the meeting to order at 8:59 A.M.

Committee Members Roll Call

Chair Maulhardt and Director Hasan were present. Director Berger was absent.

1. Public Comment

Chair Maulhardt asked if there were any public comments. None were offered.

2. Approval of the Agenda

Motion to approve the Committee meeting agenda, Director Hasan; Second, Chair Maulhardt. Voice vote, two ayes (Maulhardt, Hasan); none opposed; one absent (Berger). Motion carried, 2/0/1.

3. EXECUTIVE (CLOSED) SESSION 9:01 A.M.

Chair Maulhardt moved the Committee meeting into Executive (Closed) Session at 9:01 A.M.



- 3a. Conference Call with Legal Counsel–Anticipated Litigation**
Pursuant to Government Code Section 54956.9(d)(2), one (1) case.

SECOND OPEN SESSION 9:09 A.M.

Chair Maulhardt opened the second open session of the Finance and Audit Committee meeting at 9:06 A.M.

- 4. Oral Report Regarding Executive (Closed) Session**
General Manager Mauricio Guardado, Jr., reported there was no action taken in Executive (Closed) Session reportable under the Ralph M. Brown Act.
- 5. Approval of Minutes**
The Committee received and reviewed the draft Committee meeting minutes of February 8, 2022. Motion to approve the Committee meeting minutes, Director Hasan; Second, Chair Maulhardt. Voice vote, two ayes (Hasan, Maulhardt); none opposed; one absent (Berger). Motion carried, 2/0/1.
- 6. March 9, 2022, Board Meeting Agenda Items**
The Committee reviewed the following agenda items to be considered for approval at the March 9, 2022, Board of Directors meeting:
- 6a. Agenda Item 5.1: Proposed Ordinance No. 26 - Consideration to Increase the Compensation of the Board of Directors**
Board Motion
The Assistant General Manager Mr. Anthony Emmert summarized the agenda item for the Committee members, as outlined in the agenda packet.
- No public comments or questions were offered. No comments or questions were offered by the Committee. Chair Maulhardt stated that the Committee would recommend approval of the motion item to the full Board.
- 6b. Agenda Item 5.3: Request from Marz Farms Inc. to Waive Penalty Charges for Late Receipt of Groundwater Statements**
Board Motion
Chief Financial Officer Brian Zahn summarized the recommendation to the Committee members, as outlined in the agenda packet. There was discussion regarding the late payment policy of the Finance Department. The Committee would like to ensure the District is consistent and aligned in a way other requests for waivers were being processed internally. Director Maulhardt requested the presenting staff to spend more time explaining the reason behind the request so that the Committee has a better understanding of the issue.
- No public comments or questions were offered. No further comments or questions were offered by the Committee. Chair Maulhardt stated the Committee would recommend approval of the motion item to the full Board.



7. Monthly Investment Report (February 2022)

Information Item

The Committee members received and reviewed the monthly investment report as presented in the Finance and Audit Committee agenda packet.

No comments or questions from the Committee. No public comments or questions were offered.
No action was taken by the Committee.

8. Pipeline Delivery Report (February 2022)

Information Item

The Committee members received and reviewed the pipeline delivery report as presented in the Finance and Audit Committee agenda packet.

No comments or questions from the Committee. No public comments or questions were offered.
No action was taken by the Committee

9. Board Requested Cost Tracking Items

Information Item

The Committee members received and reviewed the costs to date that the District has incurred:

- a) as part of the licensing efforts and the probable maximum flood studies for the Santa Felicia Dam;
- b) in relation to environmental mandates;
- c) in relation to litigation with the City of Ventura, Wishtoyo Foundation, and District legal costs over the past several fiscal years;
- d) in relation to the professional fees over the past several fiscal years; and
- e) motion items with a fiscal impact.

No comments or questions from the Committee. No public comments or questions were offered.
No action was taken by the Committee.

10. Monthly Administrative Services Update

Information Item

Financial updates for the month of February 2022 were provided to the Committee by Mr. Zahn. Chief Human Resources Officer Josh Perez presented updates on Administration, Human Resources, Risk Management, and Information Technology (presentation attached).

Mr. Perez provided a response to Director Hasan on the peak visitation periods for the Lake Piru Recreational Area. March 15 through September 15 is typically when the lake sees a significant increase in camping and day use. Determining factors being spring and summer breaks, travel cycles, and the weather.

No further comments or questions from the Committee. No public comments or questions were offered.



11. Future Agenda Items

Chair Maulhardt polled the Committee as to any future agenda items. None were offered. In closing, he added he was pleased with the work of the Committee, and the Finance and Administrative Services Departments who are consistently performing tasks which allow the Committee to function more efficiently. The General Manager also stressed to the Committee that efforts are being made to secure additional water that might be available.

ADJOURNMENT 9:33 A.M.

Chair Maulhardt adjourned the meeting at 9:33 A.M.

I certify that the above is a true and correct copy of the minutes of the UWCD Finance and Audit Committee Meeting of February 28, 2022.

ATTEST: _____
Chair Lynn E. Maulhardt



United Water

CONSERVATION DISTRICT

United Water Conservation District shall manage, protect, conserve and enhance the water resources of the Santa Clara River, its tributaries and associated aquifers, in the most cost effective and environmentally balanced manner.

ADMINISTRATIVE SERVICES DEPARTMENT

JAN-FEB 2022
UPDATES

1



FINANCIAL UPDATE

CHIEF FINANCIAL OFFICER
BRIAN ZAHN

CONTROLLER
DARYL SMITH

2

UPCOMING BOARD MOTION ITEMS

Motion Number	Sponsor	Description/Summary	Budget Y/N	Funding Source	Cash Impact of Approval	Other Financial Impact
5.1	Administrative	Proposed Ordinance No. 26 – Consideration to increase the compensation of the Board of Directors	Y	District Wide	\$1,260	-
5.2	Executive	Board Resolution 2022-10 after the conclusion of the Public Hearing for United Water Conservation District to initiate the realignment of Directors' division boundaries to more equitably distribute the populations in accordance with the 2020 Census	N/A	N/A	\$0	-
5.3	Finance	Consideration of Board approval of the waiver of late penalties associated with the receipt of late groundwater pumping statements returned to the District from Marz Farms Inc.	N	050-910-47600 120-910-47600 420-910-47600	\$6,855.03	-
TOTAL					\$8 K	

3

3

CASH COLLECTIONS

Pipeline: \$ 961K

Groundwater: \$ 3.2M

Property Tax: \$ 175K

Rent: \$ 16K

Miscellaneous: \$ 56K

Total: \$ 4.4M





4

4

LAKE PIRU

CASH COLLECTIONS

Day Use: \$ 8.5K

Concessions: \$ 1K

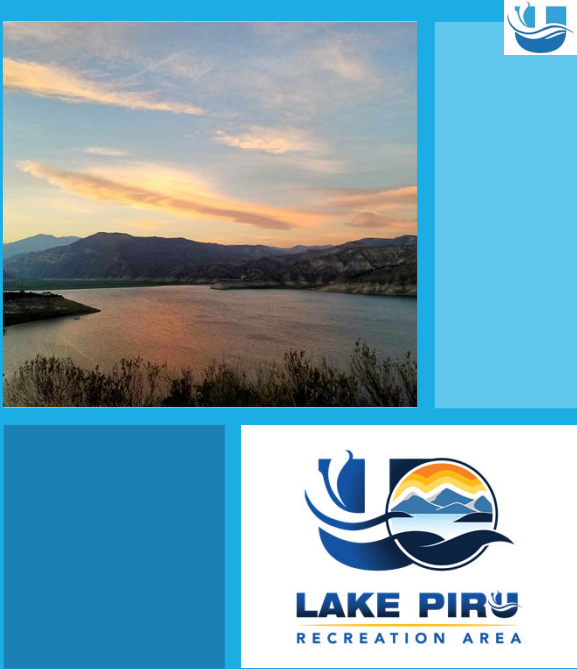
Boating & Watercraft: \$ 1.6K

Boat Storage: \$ 1.3K

Camping: \$ 32.6K

Miscellaneous: \$ 7.5K

Total: \$ 53K



5

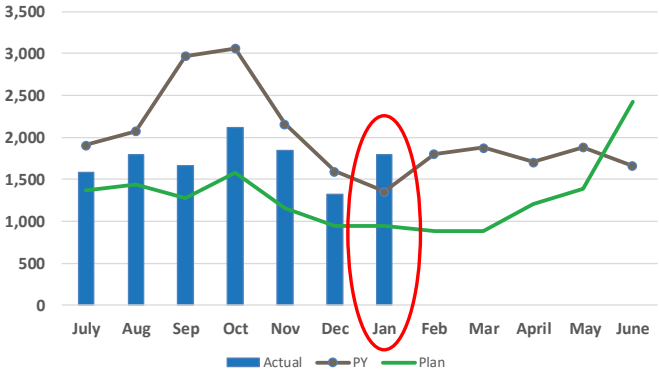
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JANUARY 2022 PIPELINE

	\$ Billed	Actual AF	Plan AF	Variance
OH	\$757K	1,119	715	404
PT	\$198K	335	230	105
PV	\$101K	342	400	-58


- Year-to-date January deliveries 60% ahead of Plan and -20% below PY
- Year-to-date January deliveries 60% ahead of Plan and -7% below PY excluding PV

Total Pipeline Deliveries (AF)



6

6



FINANCE DEPARTMENT

- Met with department managers to review their FY 22-23 Budget templates and preliminary requests. Staff working to combine requests into a FY 22-23 draft Budget.
- Processed a large volume of groundwater statements that were received.

7

7



ADMINISTRATIVE UPDATE

HUMAN RESOURCES MANAGER

JOSH PEREZ

8





- Successful onboarding for following position:
 - Environmental Services Field Assistant (Hanna Rueter)
- Working on recruitments for following positions:
 - Technology Systems Specialist/Senior Technology Systems Specialist (interviews held on 2/15, 2/16 and 2/17)
 - Seasonal Park Ranger Assistant (close date 2/25)
 - Controls Systems Supervisor (internal recruitment, close date 2/25)
- Processed promotion paperwork for following position:
 - Environmental Services Field Technician (Robyn Gorecki)
- Continue to work with Recreation Department to fill Volunteer Camp Host positions in preparation of upcoming annual season

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CURRENT EMPLOYEE RECRUITMENTS

Recreation:
Seasonal Park Ranger Assistant
Interviews slated for 2/22 – 2/28



Environmental Services:
Field Assistant
Selection made – internal promotion processed on 2/7/22

Administrative:
Tech Systems Specialist
Selection made, pending GM approval

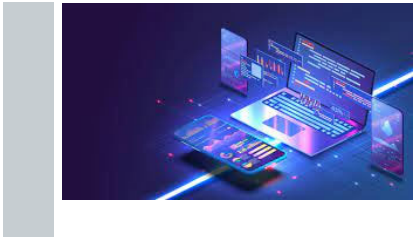



10

- Developed—in partnership with O&M—an excavator field exam checklist/evaluation.
- Coordinated the completion of Confined Spaces Refresher training for O&M staff and GIS Analyst.
- Completed annual Confined Spaces Permit review at Santa Felicia Dam.
- Updated COVID-19 Prevention Program Plan to reflect changes in state and local guidance.
- Provided COVID-19 updates and training on eye safety at monthly safety meeting.
- Completed CSDA live virtual training (webinar) on Tools for Workplace Violence De-escalation.
- Evaluated and initiated procurement of quantitative fit testing device.



11



- Server migration to new servers is continuing to progress towards final completion. Some ancillary punch list items to complete, but primary and secondary migrations have been completed successfully.
- Backup system initiated and competed; next action will be integration to Cloud Based server product.
- Began initial review of 24-hour specialized monitoring service providers for Operational Technology Environment.
- Continued with computer refreshments for several departments deploying newly received devices.
- Provided Audio/Visual support to February Committee and Board meetings.

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Future Agenda Items





13

ADJOURNMENT

Thank you!

United Water Conservation District

"Conserving water since 1927"



14



Staff Report

To: UWCD Finance and Audit Committee Members

Through: Mauricio E. Guardado, Jr., general manager

From: Anthony Emmert, assistant general manager

Date: March 29, 2022 (April 4, 2022 meeting)

Agenda Item: 6a. (Board Agenda Item 5.1) **Resolution No. 2022-09** A Resolution of the Board of Directors of United Water Conservation District Ordering the Operator(s) of Well No. 04N19W31N03S ("Well N03S"), Well No. 03N20W10D02S ("Well D02S"), and Well No. 02N21W17M03S ("Well M03S" and collectively, the "Wells") to Cease Extraction of Groundwater per Water Code Section 75637, Subdivision (b).
Board Motion

Staff Recommendation:

Staff requests Committee members consider recommending approval of Resolution No. 2022-09 ordering the operator(s) of Well No. 04N19W31N03S ("Well N03S"), Well No. 03N20W10D02S ("Well D02S"), and Well No. 02N21W17M03S ("Well M03S" and collectively, the "Wells") to cease extraction of groundwater due to delinquent groundwater extraction charges, to the full Board.

Discussion:

Nava Enterprises, Inc. ("Operator") is the owner and/or operator of Well No. 04N19W31N03S ("Well N03S"), Well No. 03N20W10D02S ("Well D02S"), and Well No. 02N21W17M03S ("Well M03S") (all foregoing wells are collectively, the "Wells"), which are located within the District's jurisdictional boundaries.

The Owner/Operator is delinquent in the payment of groundwater charges for the Wells. For Well N03S, the Operator is delinquent in groundwater charges from the years 2020 (1st installment) to 2021 (2nd installment) in the amount of approximately \$17,494.75. For Well D02S, the Operator is delinquent in groundwater charges from the years 2017 (1st installment) to 2021 (2nd installment) in the amount of approximately \$62,541.49. For Well M03S, the Operator is delinquent in groundwater charges from the years 2016 (2nd installment) to 2018 (2nd installment) in the amount of approximately \$85,274.74.

On or about March 18, 2022, the District provided the Operator with notice by first class mail, e-mail, and overnight mail of public hearings regarding the Operator's delinquency.

On March 30, 2022, the District also published notice of combined public hearings in the *Ventura County Star* newspaper.

**Agenda Item 6a. (Board Agenda Item 5.1) Resolution No. 2022-09 A Resolution of the Board of Directors of United Water Conservation District Ordering the Operator(s) of Well No. 04N19W31N03S (“Well N03S”), Well No. 03N20W10D02S (“Well D02S”), and Well No. 02N21W17M03S (“Well M03S” and collectively, the “Wells”) to Cease Extraction of Groundwater per Water Code Section 75637, Subdivision (b).
Board Motion**

The Board will open the combined public hearings regarding this issue. After a presentation from District staff, the Board will call for public comments first regarding delinquent groundwater extraction charges.

Following the close of the combined public hearings, the Board will consider adopting Resolution No. 2022-09, which will authorize orders to be sent to the Nava Enterprises to cease extracting groundwater at Well N03S, Well D02S, and Well M03S until all delinquencies are brought current.

Fiscal Impact

No fiscal impact, unless and until the Nava Enterprises bring the outstanding delinquencies current.

Attachment: Attachment A - Resolution 2022-09

Attachment B – March 18, 2022, Letter to Miguel Nava re proposed hearing

RESOLUTION 2022-09

A RESOLUTION OF THE BOARD OF DIRECTORS OF UNITED WATER CONSERVATION DISTRICT ORDERING THE OPERATOR(S) OF WELL NOS. 04N19W31N03S, 03N20W10D02S, and 02N21W17M03S TO CEASE EXTRACTION OF GROUNDWATER PER WATER CODE SECTION 75637, SUBDIVISION (b).

WHEREAS, United Water Conservation District (“District”) is authorized to levy groundwater extraction charges upon well operators within the District’s jurisdictional boundaries per Water Code section 75500 *et seq.*; and

WHEREAS, a well operator must provide the District with a semi-annual groundwater production statement on or before January 31st and on or before July 31st of each year (Wat. Code § 75611); and

WHEREAS, the groundwater production statements must set forth: (a) the total production in acre-feet of water for the preceding six-month period; (b) a general description or number locating each water-producing facility; and (c) the method or basis of the computation, of such water production (Wat. Code § 75611); and

WHEREAS, if an operator of a groundwater well fails to file a semi-annual groundwater production statement with the District, the District’s policy and practice is to send a written notice to the operator that includes a District-prepared informational groundwater production statement based on a 3-year average of reporting for the same period; and

WHEREAS, the District’s above-mentioned notice also informs the delinquent operator that the District may charge interest at the rate of one percent (1%) each month on the delinquent amount of the groundwater charge and a one-time penalty of ten percent (10%) of the amount found by the District to be due (Wat. Code §§ 75615 & 75616); and

WHEREAS, the District may order, after a public hearing, an operator to cease extraction of groundwater from a water-producing facility until all delinquent fees and charges are paid (Wat. Code § 75637, subd. (b)); and

WHEREAS, the District must give notice to the operator of the aforementioned public hearing by certified mail not less than 15 days in advance of the public hearing (Wat. Code § 75637, subd. (b)); and

WHEREAS, Nava Enterprise Inc. (“Operator”) is the owner and/or operator of Well No. 04N19W31N03S (“Well N03S”), Well No. 03N20W10D02S (“Well D02S”), and Well No. 02N21W17M03S (“Well M03S”) (all foregoing wells are collectively, the “Wells”), which are located within the District’s jurisdictional boundaries; and

WHEREAS, the Operator is delinquent in the payment of groundwater charges for the Wells; and

WHEREAS, for Well N03S, the Operator is delinquent in groundwater charges from the years 2020 (1st installment) to 2021 (2nd installment) in the amount of approximately \$17,494.75; and

WHEREAS, for Well D02S, the Operator is delinquent in groundwater charges from the years 2017 (1st installment) to 2021 (2nd installment) in the amount of approximately \$62,541.49; and

WHEREAS, for Well M03S, the Operator is delinquent in groundwater charges from the years 2016 (2nd installment) to 2018 (2nd installment) in the amount of approximately \$85,274.74; and

WHEREAS, on or about March 18, 2022, the District provided the Operator with notice by first class mail, e-mail, and overnight mail of public hearings regarding the Operator's delinquency;

WHEREAS, on March 30, 2022 the District also published notice of combined public hearings in the *Ventura County Star* newspaper; and

WHEREAS, on April 13, 2022, the District's Board of Directors held combined public hearings regarding proposed orders to cease extraction of groundwater at the Wells, with calls for public comment in three parts; and

WHEREAS, the first hearing covered Operator's delinquencies for Well N03S; and

WHEREAS, the second hearing covered Operator's delinquencies for Well D02S; and

WHEREAS, the third hearing covered Operator's delinquencies for Well M03S; and

WHEREAS, all persons were given an opportunity to present public comments during the combined public hearings; and

WHEREAS, following the close of the public hearings, District staff recommends that the Board of Directors order the Operators to cease extraction of groundwater from the three Wells until all delinquent groundwater fees and charges are paid per Water Code section 75637, subdivision (b).

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. All of the above-listed recitals are incorporated herein by this reference and shall hereinafter be deemed to be the findings of the Board of Directors ("Board").

Section 2. First Order. Pursuant to Water Code section 75637, subdivision (b), the Board hereby orders the Operator to cease extraction of groundwater from for Well N03S until all delinquent groundwater fees and charges are paid. The Board also authorizes the General

Manager, or the General Manager's designee(s), to issue a written notice of the foregoing order to the Operators.

Section 3. Second Order. Pursuant to Water Code section 75637, subdivision (b), the Board hereby orders the Operator to cease extraction of groundwater from Well D02S until all delinquent groundwater fees and charges are paid. The Board also authorizes the General Manager, or the General Manager's designee(s), to issue a written notice of the foregoing order to the Operators.

Section 4. Third Order. Pursuant to Water Code section 75637, subdivision (b), the Board hereby orders the Operator to cease extraction of groundwater from Well M03S until all delinquent groundwater fees and charges are paid. The Board also authorizes the General Manager, or the General Manager's designee(s), to issue a written notice of the foregoing order to the Operators.

Section 5. Other Acts; Delegation. The Board hereby approves a delegation of authority and appoints its General Manager, or the General Manager's designee(s), who is/are hereby authorized and directed to take any other action to carry out the terms or intent of this Resolution including, but not limited to, investigating compliance with the Board's orders hereunder and/or enforcing the Board's orders per any statute or any other legal or equitable means.

Section 6. Severability. If a court of competent jurisdiction determines, for any reason, that any language, part, section, provision, or requirement of this Resolution is invalid or unenforceable, such determination shall not invalidate or render unenforceable any other language, part, section, provision, or requirement of this Resolution. In such event, the language, parts, sections, provisions, or requirements that are not the subject of the court's determination shall be interpreted, to the extent permitted by law, in a manner that is consistent with the intent and purpose underlying the invalid or unenforceable language, part, section, provision, or requirement.

Likewise, if a court of competent jurisdiction determines, for any reason, that any language, part, section, provision, or requirement of this Resolution is invalid or unenforceable as applied to a specific person or entity, such determination shall not affect the applicability of such language, part, section, provision, or requirement to other persons or entities. In such event, the language, parts, sections, provisions, or requirements that are not the subject of the court's determination shall be interpreted, to the extent permitted by law, in a manner that is consistent with the intent and purpose underlying the inapplicable language, parts, sections, provisions, or requirements.

[Remainder of page left blank.]

Section 7. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

ADOPTED, SIGNED, AND APPROVED this 13th day of April, 2022.

THE BOARD OF DIRECTORS OF UNITED
WATER CONSERVATION DISTRICT

By: _____

President of the Board of Directors of
United Water Conservation District

ATTEST:

By: _____

Secretary/Treasurer of the Board of Directors
of United Water Conservation District

STATE OF CALIFORNIA)
) ss.
COUNTY OF VENTURA)

I, Lynn E. Maulhardt, Secretary/Treasurer of the Board of Directors of United Water Conservation District, do hereby certify that the foregoing Resolution 2022-09 was duly adopted by the Board of Directors of United Water Conservation District at a meeting thereof held on the 13th day of April, 2022, at which meeting a quorum of such Board was present and acting throughout and for which notice and an agenda was prepared and posted as required by law, and that such Resolution was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Secretary/Treasurer of the Board of Directors of United
Water Conservation District

STATE OF CALIFORNIA)
) ss.
COUNTY OF VENTURA)

I, Lynn E. Maulhardt, Secretary/Treasurer of the Board of Directors of United Water Conservation District, do hereby certify that the foregoing is a full, true and correct copy of Resolution 2022-09 of such Board and that the same has not been amended, rescinded, or repealed.

Dated this 13th day of April, 2022.

Secretary/Treasurer of the Board of Directors of United
Water Conservation District

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL LAW CORPORATION

ATTORNEYS AT LAW

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(951) 683-1122

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(916) 923-1200

SAN DIEGO
(858) 485-9526

OUR FILE NUMBER:
006299.00054
36079094.2

March 18, 2022

VIA EMAIL, FIRST CLASS MAIL, AND OVERNIGHT MAIL

Mr. Miguel Nava Jr.
Nava Enterprise Inc.
650 Buena Vista Ave.
Oxnard, CA 93030
sales@navainc.com

Mr. Miguel Nava Jr.
Nava Enterprise Inc.
PO Box 866
Oxnard, CA 93032

Re: United Water Conservation District – Notice of Public Hearing regarding proposed Order(s) to Cease Extraction of Groundwater (Water Code § 75637, subd. (b))

Dear Mr. Nava Jr.:

As you know, we represent the United Water Conservation District (“District”). Nava Enterprise Inc. (“Nava”) is a current customer of the District and operates Well # 04N19W31N03S (“Well N03S”), Well # 03N20W10D02S (“Well D02S”), and Well #02N21W17M03S (“Well M03S” and collectively, the “Wells”). Nava is delinquent in paying its groundwater extraction charges for the Wells.

On or about September 2, 2021, you notified our Firm that Nava Enterprise Inc. (“Nava”) filed for bankruptcy (“Bankruptcy”). We confirmed that Nava filed a voluntary petition for Chapter 12 Bankruptcy on February 4, 2020.

The District subsequently participated in the Bankruptcy by filing a Motion for Relief from the Automatic Stay under 11 U.S.C. § 362 (“Motion”). The Court granted the District’s Motion. The Court ordered that the automatic stay as to Nava’s delinquent groundwater extraction charges was annulled retroactively to the filing of the Bankruptcy petition. Any post-petition actions taken by the District did not and do not constitute a violation of the stay.

On February 11, 2022, the Court entered an order dismissing Nava’s Bankruptcy (“Dismissal Order”). The Dismissal Order stated that the Debtor was in material breach of the Chapter 12 Bankruptcy Plan of Reorganization.

Mr. Miguel Nava Jr.
March 18, 2022
Page 2

Based on the Court's order relative to the District's Motion and the Dismissal Order, the District's Board of Directors ("Board") intends to hold a public hearing regarding the delinquencies on the Wells. The Board will also consider issuing an order or orders to Nava to cease extraction of ground water from the Wells until all delinquent fees and charges are paid. Please see California Water Code § 75637. If the Board approves such an order(s), Nava will be prohibited from pumping ground water from the Wells until all delinquencies have been paid.

Please accept this letter as notice under Water Code section 75637, subdivision (b), that the Board will hold a public hearing on whether to issue an order to Nava to cease extracting ground water from the Wells. The public hearing will occur on **April 13, 2022, in the Board Room of the District's headquarters located at 1701 N. Lombard Street, Oxnard, California 93030. The Board meeting begins at 12:00 pm.**

The public hearing will consider the following delinquencies:

1. For Well N03S, both installments of 2020 and 2021. The District has calculated that you currently owe approximately \$17,494.75.
2. For Well D02S, both installments of 2017 through 2021. The District has calculated that you currently owe approximately \$62,541.49.
3. For Well M03S, the 2nd installment of 2016, both installments of 2017 through 2021. The District has calculated that you currently owe approximately \$85,274.74.

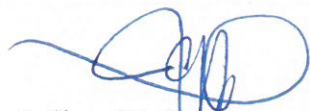
For all the Wells, the total delinquencies are approximately \$165,310.98.

You and any owners/operators of the Wells may attend the above-mentioned public hearing and present the Board with evidence (whether oral or written) demonstrating that you are not delinquent.

Please contact us if you have any questions.

Very truly yours,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO



Jeffrey W. Frey



Staff Report

To: UWCD Finance and Audit Committee Members

Through: Mauricio E. Guardado, Jr., General Manager Anthony
A. Emmert, Assistant General Manager

From: Brian Zahn, Chief Financial Officer
Daryl Smith, Controller

Date: March 21, 2022 (April 4, 2022, meeting)

Agenda Item: 7 **Public Outreach Awareness Campaign**
Information Item

Staff Recommendation:

The Committee will receive a verbal report from staff regarding the intended use of J. Wallin Opinion Research (J. Wallin) to gain an accurate understanding of what the public awareness is of the United Water Conservation District (District) and how the public considers water issues as a priority in their life.

Discussion:

In September 2021, J. Wallin was contacted by the District to conduct a voters opinion research poll regarding a possible ballot measure. No action was taken at that time as the ballot measure was postponed to sometime in the future. The District believes that the time is right to take an initial step in a public awareness campaign to understand the awareness of the District, what it represents as well as the water issues that our region is facing.

J. Wallin was interviewed by members of the senior leadership team and was found to have the industry experience staff was looking for, the desired approach for research and the ability to take the final data to deliver an accurate assessment of how things are. The J. Wallin team brings water expertise to the project, having conducted polls for numerous water related projects and districts.

The Chief Executive Officer Mr. Justin Wallin is scheduled to attend the meeting via Zoom to answer any questions of the Committee members.

Fiscal Impact:

Moving forward with this item would result in an expenditure of \$20,000. Funding was budgeted, verified and available through account 510-110-52210.

Attachment(s): None



Staff Report

To: UWCD Finance and Audit Committee Members

Through: Mauricio E. Guardado, Jr., General Manager
Anthony A. Emmert, Assistant General Manager

From: Brian Zahn, Chief Financial Officer
Daryl Smith, Controller

Date: March 16, 2022 (April 4, 2022, meeting)

Agenda Item: 9 (Board Item 3.C) Monthly (February 28, 2022) Investment
Report
Information Item

Staff Recommendation:

Review and discuss the most current investment report for February 28, 2022, that is enclosed.

Discussion:

Based on the information included in the attached reports, staff will present a summary and discuss key information as an overview.

Fiscal Impact:

As shown.

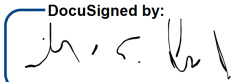
Attachment: Combined Investment Report

United Water Conservation District
Monthly Investment Report
February 28, 2022

<u>Investment Recap</u>	<u>G/L Balance</u>	<u>Weighted Avg Days to Maturity</u>	<u>Diversification Percentage of Total</u>
Bank of the Sierra	3,241,741	1	6.16%
US Bank - 2020 COP Bond Balance	19,007,642	1	36.10%
Petty Cash	3,400	1	0.01%
County Treasury	1,644	1	0.00%
LAIF Investments	30,395,890	1	57.72%
Total Cash, Cash Equivalents and Securities	52,650,317		100.00%
Investment Portfolio w/o Trustee Held Funds	52,650,317		
Trustee Held Funds	-		
Total Funds	52,650,317		

<u>Local Agency Investment Fund (LAIF)</u>	<u>Beginning Balance</u>	<u>Deposits (Disbursements)</u>	<u>Ending Balance</u>
	24,895,890	5,500,000	30,395,890
	<u>Interest</u>	<u>Interest</u>	
	<u>Earned YTD</u>	<u>Received YTD</u>	<u>Qtrly Yield</u>
	31,507	54,762	0.23%

All District investments are shown above and conform to the District's Investment Policy. All investment transactions during this period are included in this report
Based on budgeted cash flows the District appears to have the ability to meet its expenditure requirements for the next six months.

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Mauricio E. Guardado, Jr., General Manager

3/18/2022

Date Certified

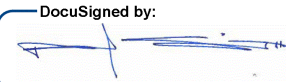
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Anthony Emmert, Assistant General Manager

3/18/2022

Date Certified

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Daryl Smith, Controller

3/16/2022

Date Certified

<i>United Water Conservation District</i>			
<i>Cash Position</i>			
February 28, 2022			
Fund	Total	Composition	Restrictions/Designations
General/Water Conservation Fund:			Revenue collected for district operations
General/Water Conservation	18,661,260	9,317,301	Includes General, Rec & Ranger, Water Conservation
		1,725,000	Reserved for legal expenditures
		5,435,000	Designated for replacement, capital improvements, and environmental projects
		2,183,958	Supplemental Water Purchase Fund
General CIP Funds	4,794,810	4,794,810	Appropriated for capital projects
2020 COP Bond Funds	12,718,857	12,718,857	Reserved for CIP Projects
Special Revenue Funds:			Revenue collected for a special purpose
State Water Project Funds	4,648,018	4,648,018	Procurement of water/rights from state water project
Enterprise Funds:			Restricted to fund usage
Freeman Fund	1,899,228	1,899,228	Operations, Debt Service and Capital Projects
		-	Designated for replacement and capital improvements
		-	Reserved for legal expenditures
Freeman CIP Fund	126,894	126,894	Appropriated for capital projects
OH Pipeline Fund	1,970,754	1,970,754	Delivery of water to OH customers
OH CIP Fund	4,574,248	4,574,248	Appropriated for capital projects
OH Pipeline Well Replacement Fund	462,387	462,387	Well replacement fund
PV Pipeline Fund	406,645	406,645	Delivery of water to PV customers
PV CIP Fund	185,966	185,966	Appropriated for capital projects
PT Pipeline Fund	1,302,248	1,302,248	Delivery of water to PTP customers
PT CIP Fund	899,003	899,003	Appropriated for capital projects
Total District Cash & Investments	52,650,317	52,650,317	



Staff Report

To: UWCD Finance and Audit Committee Members

Through: Mauricio E. Guardado, Jr., General Manager
Anthony A. Emmert, Assistant General Manager

From: Brian Zahn, Chief Financial Officer
Daryl Smith, Controller

Date: March 16, 2022 (April 4, 2022, meeting)

Agenda Item: **10 – Monthly (February 28, 2022) Pipeline Delivery Report**
Information Item

Staff Recommendation

Review and discuss the most current pipeline delivery report for February 28, 2022, that is enclosed.

Fiscal Impact

As shown.

Discussion

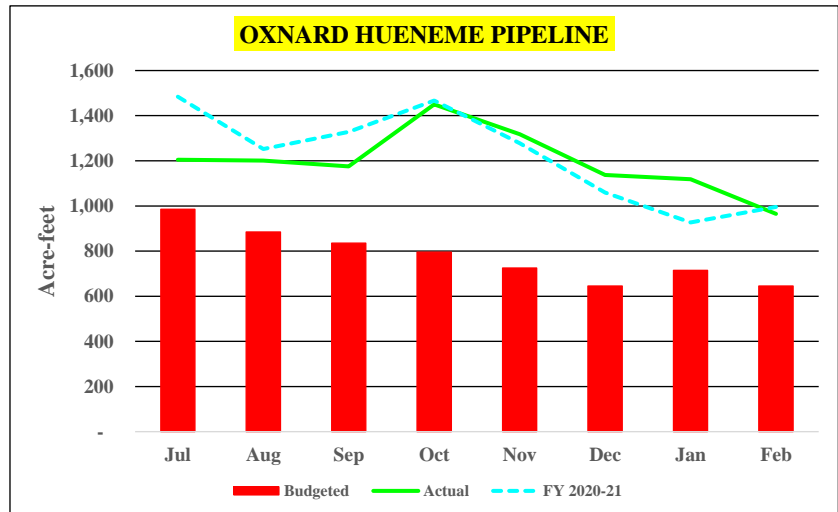
Based on the information included in the attached reports, staff will present a summary and discuss key information as an overview.

Attachment: Pipeline Delivery Report

United Water Conservation District
Pipeline Water Deliveries (Acre-feet)
FY 2021-2022 data thru February 28, 2022

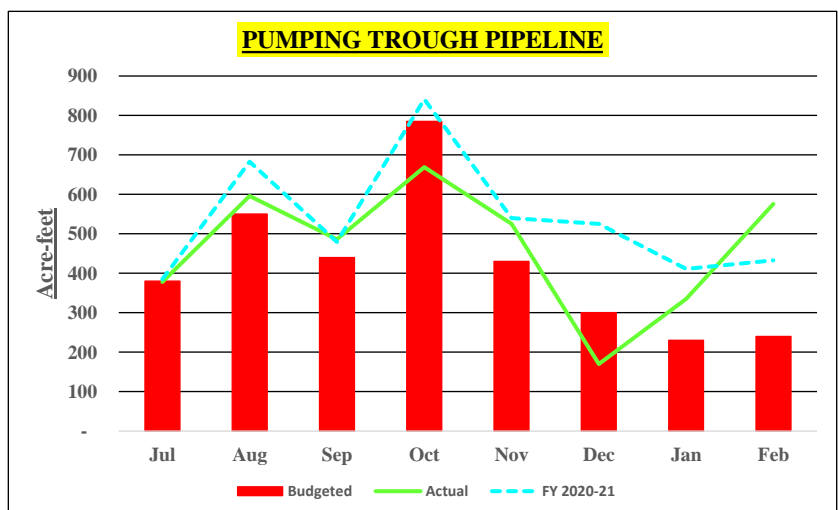
OH Pipeline 21-22			
	Projection	Actual	Difference
Jul	985	1,205	220
Aug	885	1,201	316
Sep	835	1,175	340
Oct	795	1,450	655
Nov	725	1,318	593
Dec	645	1,137	492
Jan	715	1,118	403
Feb	645	965	320
Mar	625		
Apr	755		
May	915		
Jun	1,955		
Totals	10,480	9,569	3,339
YTD	6,230	9,569	3,339

YTD Actual to Budget: 53.6%



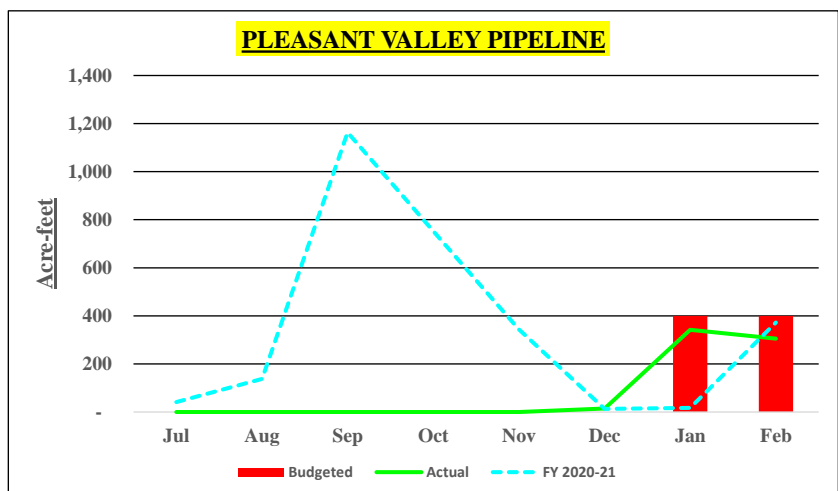
PT Pipeline 2021-22			
	Projection	Actual	Difference
Jul	380	378	(2)
Aug	550	596	46
Sep	440	486	46
Oct	785	669	(116)
Nov	430	525	95
Dec	300	170	(130)
Jan	230	335	105
Feb	240	576	336
Mar	260		
Apr	450		
May	470		
Jun	470		
Totals	5,005	3,735	380
YTD	3,355	3,735	380

YTD Actual to Budget: 11.3%



PV Pipeline 2021-22			
	Projection	Actual	Difference
Jul	-	-	-
Aug	-	-	-
Sep	-	-	-
Oct	-	-	-
Nov	-	-	-
Dec	-	15	15
Jan	400	342	(58)
Feb	400	305	(95)
Mar	100		
Apr	-		
May	-		
Jun	-		
Totals	900	662	(138)
YTD	800	662	(138)

YTD Actual to Budget: -17.3%





Staff Report

To: UWCD Finance and Audit Committee Members

Through: Mauricio E. Guardado, Jr., General Manager
Anthony A. Emmert, Assistant General Manager

From: Brian Zahn, Chief Financial Officer
Daryl Smith, Controller

Date: March 16, 2022 (April 4, 2022, meeting)

Agenda Item: **11 – Board Requested Cost Tracking Items
Information Item**

Staff Recommendation:

Review and discuss the cost to date reports for:

- 1) FERC licensing
- 2) The Probable Maximum Precipitation/Flood Study
- 3) General/Water Conservation Fund Environmental
- 4) Freeman Fund Environmental
- 5) Quagga Mussels
- 6) City of Ventura Litigation
- 7) Wishtoyo Litigation
- 8) All legal fees
- 9) All professional fees (excluding legal fees)

Based on the information provided and the ensuing discussion, provide any necessary direction to staff.

Discussion:

The Finance and Audit Committee requested a monthly update of the accounting being maintained by the District for costs being incurred for various items. The attached report provides data through February 28, 2022.

Fiscal Impact:

As shown.

Attachments: Attachment A – Consolidated Cost Summary

**United Water Conservation District
Consolidated Cost Summary Report
Through February, 2022**

Fiscal Year	FERC License	PMF Study	Gen/Water Conservation Environmental	Freeman Environmental	Quagga Mussels	City of Ventura Lawsuit *	Wishtoyo Complaint	Legal Fees	Other Professional Fees	Total Professional Fees
2001-02	27,083	-	-	-	-	-	-	-	-	-
2002-03	137,116	-	-	-	-	-	-	-	-	-
2003-04	395,575	-	-	-	-	-	-	-	-	-
2004-05	527,191	53,364	-	-	-	-	-	-	-	-
2005-06	169,655	16,486	3,170	148,847	-	-	-	-	-	-
2006-07	74,929	10,554	71,678	170,323	-	-	-	-	-	-
2007-08	105,950	-	304,745	170,995	-	-	-	-	-	-
2008-09	364,883	-	1,483,036	458,887	-	-	-	1,267,547	822,498	2,090,045
2009-10	258,473	68,839	524,532	548,673	-	-	-	324,553	860,496	1,185,049
2010-11	407,597	123,915	306,071	374,490	-	-	-	255,183	992,758	1,247,941
2011-12	789,792	87,059	479,648	138,686	-	353,598	-	533,216	902,051	1,435,267
2012-13	531,196	6,942	568,207	291,674	-	52,222	-	261,810	1,316,817	1,578,627
2013-14	771,128	97,340	499,114	434,354	186,505	365,903	169,167	770,488	1,244,116	2,014,604
2014-15	968,028	120,094	116,393	725,345	232,259	227,522	85,654	505,973	1,811,454	2,317,427
2015-16	469,632	53,062	137,400	605,003	311,047	161,858	230,513	690,261	1,463,670	2,153,931
2016-17	435,599	257,750	139,791	666,810	613,210	23,373	1,029,773	1,030,758	1,535,352	2,566,110
2017-18	363,051	617,564	119,971	546,179	413,501	272,526	2,410,909	2,931,575	2,153,367	5,084,942
2018-19	735,757	436,136	137,761	659,368	431,494	193,240	1,174,589	2,104,842	2,526,710	4,631,553
2019-20	682,306	818,753	57,942	1,184,780	290,047	411,440	4,812,891	5,839,441	2,898,804	5,839,441
2020-21	298,484	1,692,037	22,583	533,030	348,733	1,540,385	2,301,320	4,841,413	2,115,988	6,957,400
2021-22	440,801	361,774	34,320	239,668	234,606	144,450	616,561	1,609,737	980,907	2,590,644
Report Total	8,954,228	4,821,668	5,006,361	7,897,111	3,061,402	3,746,518	12,831,376	22,966,798	21,624,988	41,692,982
Previous Report Total	8,897,483	4,760,508	5,003,760	7,870,697	3,035,904	3,746,120	12,791,199	22,803,745	21,550,823	41,455,763
<i>Current Activity</i>	<i>56,745</i>	<i>61,160</i>	<i>2,601</i>	<i>26,413</i>	<i>25,498</i>	<i>399</i>	<i>40,177</i>	<i>163,053</i>	<i>74,165</i>	<i>237,219</i>

* Does not include City of San Buenaventura judgment

Current Activity Narrative:

FERC - The activity for February (\$57K) was primarily spent on staff time (\$20K), consulting (\$31K), and a 6th amendment study (\$6K) for the fish passage.

PMF - The activity for February (\$61K) was primarily spent on staff time (\$2K), design (\$56K), and CEQA Permits (\$3K).

Gen/Wtr Cons - The activity for February (\$3K) was spent on staff time (\$3K).

Freeman - The activity for February (\$26K) was spent primarily on staff time (\$23K) and professional fees (\$3K) related to HCP support.

Quagga - The activity for February (\$25K) was spent primarily on staff time (\$16K), professional fees (\$7K), and small tools (\$2K) related to quagga mussel eradication and the scientific dive agreement.

Ventura - There were negligible legal costs associated with the settlement of the City of Ventura Lawsuit.

Wishtoyo - The activity for February (\$40K) was spent on legal fees related to the Wishtoyo complaint.

Legal Fees - Includes all legal fees for the District. These fees were dominated by the Wishtoyo lawsuit, Fox Canyon and general legal.

Other Prof Fees - Includes all contracted professional fees except legal fees. These fees were dominated by the fish passage costs, plus advocacy and consulting fees.



Staff Report

To: UWCD Finance and Audit Committee Members

Through: Mauricio E. Guardado, Jr., General Manager
Anthony A. Emmert, Assistant General Manager

From: Josh Perez, Chief Human Resources Officer
Brian Zahn, Chief Financial Officer
Zachary Plummer, Technology Systems Manager
Tony Huynh, Safety and Security Program Coordinator
Kris Sofley, Executive Assistant/Clerk of the Board

Date: March 30, 2022 (April 04, 2022, meeting)

Agenda Item: **12 (Board Agenda Item 4.1) Monthly Administrative Services Department Report
Information Item**

Staff Recommendation:

The Committee will receive this staff report and attached presentation from the Administrative Services Department regarding its activities for the month of March 2022.

Discussion:

Finance

- Compiled department requests to form Preliminary Budget and calculate proposed rates for FY 2022-23.
- Provided Proposed Budget Projections to rate analysts.
- With input from Groundwater staff, prepared and mailed Quarterly Groundwater Production Statements accompanied by a cover letter to customers on March 30.

Administrative

- Provided administrative assistance for drafting, finalizing, and distributing/posting materials for the UWCD's Executive Committee, Recreation Committee, Engineering and Operations Committee, and Finance and Audit Committee meetings as well as the regular UWCD Board meeting in March.
 - Provided administrative assistance for drafting, finalizing, and distributing/posting materials for the Fillmore and Piru Basins Groundwater Sustainability Agency's Regular Board meeting and Special Board meeting in March.
 - Prepared and distributed news release and photos for the Special "ceremonial" Board meeting on February 28 – "groundbreaking" ceremony for the Iron and Manganese Treatment project at the District's El Rio facility. (front page story in Ventura County Star)
-

- Prepared and orchestrated First Quarter all staff meeting for all District employees that included a special update on District's mission, vision statement and goals from the General Manager.
- Progressing on UWCD Headquarters' decorating, including installation of three-dimensional UWCD logo on the wall behind the Board dais in the Boardroom.

Human Resources

- HR has been extremely focused this month working on recruitments and onboarding for several Lake Piru Recreation Area positions such as the Seasonal Park Ranger Assistants, and our Volunteer Camp Hosts for the upcoming season.
- Working on staff recruitments for following positions:
 - Technology Systems Specialist (new hire scheduled to start April 4th)
 - Seasonal Park Ranger Assistant (five part-time staff hires scheduled to start in middle March and early April)
 - Controls Systems Supervisor - interview is completed, selection pending
 - Risk and Safety Manager (Internal posting) – interview is completed, selection pending

Safety and Risk Management

- Successfully submitted the 2021 SDRMA Annual Renewal Questionnaire related to Property and Liability Renewal Rates and Workers Compensation for FY2022-2023.
- Earned SDRMA Safety Specialist Certificate which allows the District to enjoy a \$4,497 credit towards Workers' Compensation premium and \$3,882 credit towards Property/Liability premium.
- Collaborated with Engineering Department of SFD Security Updates to FERC.
- Certified four additional District staff in Adult & Pediatric CPR/AED/First Aid and procured an additional AED device for District HQ.
- Coordinated with VCFD on Tunnel Rescue Exercise at Santa Felicia Dam, resulting in site and staff familiarization for urban search & rescue team in the event of an emergency rescue (also contributes to occupational health and safety compliance requirements)
- Along with O&M senior staff, procured and received hands on training on administering Quantifit2 respirator fit testing device.
- Participated in and provided safety feedback on excavator training at El Rio.
- Delivered Respiratory Crystalline Silica awareness training at monthly safety meeting.

Technology Systems

- Coordinating Cyber Security testing efforts with DHS Cyber Infrastructure Security Agency to be performed over the first few weeks of May 2022.
 - Partnering with UWCD consulting firms to evaluate and preform proof of concept solution for continuous threat monitoring capabilities.
 - Performed network equipment upgrades up at Lake Piru to support upcoming improvements to the IP Camera and Security System upgrades being installed in the Lake areas.
 - Sent IT Advisory's to staff recommending password updates, MFA enrollment, and verification that web browsers are updated to the latest software releases.
-

- Completed another component of United's 2022 Server upgrade. Established monitoring capabilities with the hardware vendor to provide fault and error monitoring.
- Finalized a new District Data Backup appliance, now running in production to protect our UWCD network and OT assets.
- Currently working to establish an evaluation of a third party 24/7 monitoring solution for United's OT/SCADA Critical IT Assets.
- Supported various UWCD/Partner Agencies virtual and hybrid meetings being conducted from United's facilities
- Acquired new IT equipment for the modernizing computing capabilities in the environmental services lab areas.
- Provisioned IT Accounts for new staff hired for LPRA. Performed the standard on-boarding services for the 6 or so new hires.
- Held the bi-monthly IT Cyber Security Development meeting with UWCD Engineers part of the FERC Licensing process.